

C. BACKGROUND

By the Action, the PTO has:

1. Rejected Claims 1 and 4 under 35 U.S.C. § 102(b); and
2. Rejected Claims 1 through 7 under 35 U.S.C. § 103(a).

These rejections are respectfully traversed.

By this amendment, Applicant has amended Claims 1, 2, 4, and 5. Reconsideration of the rejections of Claims 1 through 7 is respectfully requested.

D. REMARKS

The following is provided in support of the traverse of each of the rejections made by the examiner under Sections 102 and 103. Reconsideration of each of the rejections is respectfully requested.

It is understood that the claims 1 and 4 are rejected by the examiner as written anticipating Min-Jenn (D325554 and Kui (D397073), the inventor however appeals with further explanation of the invention in the application for utility patent 10/584,787 filed June 07, 2007. The inventor submits the inclusion of language in Claim number 1, 2, 4 and 5 to better reflect differentiating features unique to the invention already embodied in content in the body of the patent in sections: SUMMARY OF THE INVENTION and DETAILED DESCRIPTION OF THE PERFERED EMBODIMENT. The adjusted claims 1.2.4 and 5 incorporate language to further define the unique nature of the pad holders to the invention :*two pad holders for removably holding the pad against said base when placed in any orientation on the visor and which base retaining clip defines a central cradle that maintains the remaining end of the note pad in place and provides removability of individual sheets from either corner of the pad without interference.*

Such language pertaining to the pad being designed to be placed in any orientation on the visor is supported in the DETAILED DESCRIPTION OF THE PERFERRED EMBODIMENTS (section 0021) and states: *Holder 10 can be mounted to either the upper surface or the bottom surface of the visor.* The DETAILED DESCRIPTION OF THE PERFERRED EMBODIMENTS (section 0021) goes on to explain that the holder can function when hanging right side up on the

upper surface “so holder 10 can be nearly completely concealed” or upside down for constant vision and access of the notepad.

The language expressing the purpose of easy access to individual sheets is supported in DETAILED DESCRIPTION OF THE PERFERRED EMBODIMENTS (section 0025) stating; *Holder 10 defines a bottom support or clip 52 having a lip 54 that forms a cradle that holds the bottom of the pad 12 in place against surface. Clips 42 and 52 cooperate to hold pad 12 in place on surface 40, and also permit individual sheet to be removed from pad 12 during use.*

In SUMMARY OF THE INVENTION (section 0005) details the role of the base clip in decreasing interference in the access of the paper sheets as defined; *The base retaining clip secures the base of the pad in a way that allows paper to be easily removed from the pad without interference.*

It is considered by the inventor that the ease of the removal of individual paper sheets from the pad represents an important and unique safety feature for the driver seeking to quickly remove a paper sheet such as one holding an address. The purposeful placement of a small central cradle allows freedom of the corners of the pad where individual sheets can be most easily separated and accessed. The exposure of the corners of a note-pad is predetermined in the invention as the optimum location for separating one sheet from the bulk of a pad. This feature of access to individual sheets when combined with the function of the two pad holders removably holding the pad against the said base when placed in any orientation on the visor clip is not obvious in any of the referenced patents:

Kui (D397073) –Cradle extends across the entire bottom of the pad reducing access to individual sheets as in the corner access. There is no spring clip to hold the pad in place in any orientation on the visor.

Min-Jenns (D325554) – It is not clear whether a note pad or a writing board is offered in this invention. But the corner cradles are evident for some feature on the invention and such the corners of a pad are not exposed. With a mirror on said invention it is not clear if this visor mirror can safely be hung upside down.

Pavenick ( D168,707)- No clip system is evident on this invention allowing for any orientation of the holder on the visor. Without clips to hold the paper on the note pad the pages will fall down when oriented upside down.

Munnick ( D299,475) The invention appears to be intended for use with golf cards not a note pad of multiple sheets, There does not appear to be a double clip system for any orientation of the holder on the visor such that the cards can hang in any orientation on the visor.

Seitz ( D235,866)- The invention is designed to hold bank cash slips and does not appear to have a two clip devise for hanging the paper in any orientation on a visor. The bottom cradle blocks access to the corners of the sheets.

Schafer ( D273,002)- This invention does not appear to include a note pad, nor does it detail the pads orientation in the design patent images. It is unclear if the pads can hold in any orientation on the visor.

The above patents lack in their inventions having none, or only one feature of pad clip.and not the combination of the two pad holders with the form and function as detailed in the adjusted claims.

Though it could be argued that the orientation of a central cradle holding the paper while exposing the corners could be obvious to one of ordinary skill, it is worth noting that this orientation is not included in the patents above for a note pad to be used in any orientation on a visor.

The size, position and function of the base cradle is made to hold *the remaining end of the note pad in place* in any orientation on a visor even when the pages of the note pad reduce to a few sheets. Sunlight, heat and gravity ( due to the inventors note pad working upside down on the visor ) can misshape the note pad if not held in place against the pad holder on the top by a spring clip and at the bottom by central cradle. Though Kui (D397,073) holds the paper with a top and bottom cradle there is no corner easy access to the individual pages as in the said invention and it is not clear how well the cradle will hold with reducing sheets held upside down.

It is argued that Schafer ( D273002) meets all the claimed limitations. The inventor submits that with the inclusion of more descriptive language about the function of the pad clips that this is no longer true. ISchafer's design patent, unlike the said invention 10/584,787, does not include a note pad or an image showing its orientation. Not knowing the orientation of the note pad is not possible to assess the ease in accessing individual sheets or if they hold in place in any orientation on the visor. The invention's two pad holders as sited in the new claim 5 allow *for the removal of individual sheets from either corner of the pad without interference and without adjustment of either pad holder.*

It is not clear that the use of a spring loaded clip to hold the pad of paper as suggested to be predetermined by Schafer ( D273002), Seitz (D235,866), and Harris ( 4,495,058) can be used as sited in the new claim 5 allow *for the removal of individual sheets from either corner of the pad*

*without interference and without adjustment of either pad holder.* It does not appear to be obvious that this function is offered in every spring clip as it is a function of the size of the clip and pressure of the spring as it relates to the paper such that the paper can be removed and does not rip if the spring clip is not released.

It is understood that Claim 3 and 6 are rejected due to the existence of a similar writing instrument attachments in other similar embodiments.

It is understood that Claim 7 is rejected as being obvious that a notepad may have artwork provided on it.

Your consideration and approval of revised Claims 1, 2, 4 and 5 with respect to representing an inventive step not obvious to other prior inventions is appreciated. The inclusion of adjusted wording has been taken from the body of the patent to add clarity and definition to the uniqueness of the invention.

Claim 3 depends from Claim 1 and Claims 6 and 7 depend from Claims 4. Those claims recite further features that render them patentable over the art of record. However, those claims are also patentable over the art of record for the reasons urged above in support of the patentability of the claims from which they depend. Allowance of Claims 3, 6 and 7 is also respectfully requested.

E. CONCLUSION

Claims 1 through 7 are in condition for allowance, which is respectfully requested.

The undersigned hereby authorizes the United States Patent and Trademark Office to charge to Deposit Account No. 03-3280 any fee required to file and enter this amendment or for any additional claims, and the fee required to extend the period for response to January 22, 2010.

Respectfully submitted,  
/Andrew J. Cornelius/  
Andrew J. Cornelius  
Registration No. 29,142

ANDREW J. CORNELIUS, P. C.  
305 Mt. Lebanon Boulevard, Suite 205  
Pittsburgh, Pennsylvania 15234

412.571.9552